



February 12, 2016

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# ENGROSSED

## SENATE BILL No. 291

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DIGEST OF SB 291 (Updated February 11, 2016 9:02 am - DI 84)

**Citations Affected:** IC 15-15.

**Synopsis:** Industrial hemp. Removes provisions that: (1) allow a grower to retain seed from an industrial hemp crop for the following year; (2) exempt a grower from obtaining an agricultural hemp seed production license in order to retain seed for future planting; and (3) provide that seed retained by a grower may not be sold or transferred and is not required to meet the state seed commissioner's agricultural hemp seed standards.

**Effective:** July 1, 2016.

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**Leising, Glick, Mrvan**  
(HOUSE SPONSORS — LEHE, WRIGHT)

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January 7, 2016, read first time and referred to Committee on Agriculture.  
January 25, 2016, reported favorably — Do Pass.  
January 28, 2016, read second time, ordered engrossed. Engrossed.  
February 1, 2016, read third time, passed. Yeas 49, nays 1.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Agriculture and Rural Development.  
February 11, 2016, reported — Do Pass.

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ES 291—LS 6772/DI 109





February 12, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 291

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 15-15-13-9, AS ADDED BY P.L.165-2014,  
2       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2016]: Sec. 9. (a) An agricultural hemp seed production  
4       license issued under this chapter authorizes a grower or handler to  
5       produce and handle agricultural hemp seed for sale to licensed  
6       industrial hemp growers and handlers. A seller of agricultural hemp  
7       seed shall ensure that the seed complies with any standards set by the  
8       state seed commissioner. The state seed commissioner shall make  
9       available to growers information that identifies sellers of agricultural  
10      hemp seed.

11      (b) Subject to rules adopted by the state seed commissioner, a  
12      grower may retain seed from each industrial hemp crop to ensure a  
13      sufficient supply of seed for that grower for the following year. A  
14      grower does not need an agricultural hemp seed production license in  
15      order to retain seed for future planting. Seed retained by a grower may  
16      not be sold or transferred and is not required to meet the state seed  
17      commissioner's agricultural hemp seed standards.

ES 291—LS 6772/DI 109



1       ~~(e)~~ **(b)** All growers and handlers must keep records in accordance  
2 with rules adopted by the state seed commissioner. Upon at least three  
3 (3) days notice, the state seed commissioner may audit the required  
4 records during normal business hours. The state seed commissioner  
5 may conduct an audit for the purpose of ensuring compliance with:

- 6           (1) this chapter;  
7           (2) rules adopted by the state seed commissioner; or  
8           (3) industrial hemp license or agricultural hemp seed production  
9           license requirements, terms, and conditions.

10       ~~(d)~~ **(c)** In addition to an audit conducted in accordance with  
11 subsection ~~(e)~~; **(b)**, the state seed commissioner may inspect  
12 independently, or in cooperation with the state police department, a  
13 federal law enforcement agency, or a local law enforcement agency,  
14 any industrial hemp crop during the crop's growth phase and take a  
15 representative composite sample for field analysis. If a crop contains  
16 an average tetrahydrocannabinol (THC) concentration exceeding the  
17 lesser of:

- 18           (1) three-tenths of one percent (0.3%) on a dry weight basis; or  
19           (2) the percent based on a dry weight basis determined by the  
20           federal Controlled Substance Act (21 U.S.C. 801 et seq.);

21       the state seed commissioner may detain, seize, or embargo the crop.



## COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture, to which was referred Senate Bill No. 291, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 291 as introduced.)

LEISING, Chairperson

Committee Vote: Yeas 9, Nays 0

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Senate Bill 291, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 291 as printed January 26, 2016.)

LEHE

Committee Vote: Yeas 13, Nays 0

